

Judge: Timothy W. Dore  
Chapter: 7  
Hearing Date: October 4, 2019  
Hearing Location:  
    Judge Dore's Courtroom  
    700 Stewart Street #8106  
    Seattle, WA 98101  
Time: 9:30 a.m.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

**IN RE:**

KATHLEEN ANN ESTABROOK,

## Debtor.

**CHAPTER 7 PROCEEDING  
NO. 18-11838**

**DEBTOR'S RESPONSE TO TRUSTEE'S  
MOTION TO DENY DEBTOR EXEMPTION  
CLAIM IN PERSONAL INJURY  
SETTLEMENT PROCEEDS**

Debtor, Kathleen Ann Estabrook, by and through her attorney, Jonathan Smith, hereby replies to the Trustee's Motion to Deny Debtor Exemption Claim in Personal Injury Settlement Proceeds. In support thereof, Debtor states the following:

Under 11 U.S.C. §522(d)(11)(D), the debtor may receive a payment, not to exceed \$23,675.00, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent. The

## Debtor's Response to Trustee's Motion to Deny Debtor Exemption Claim in Personal Injury Settlement Proceeds - 1

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debtor sustained a personal injury from a car accident. The car accident caused her to undergo doctor visits and rehabilitation for injuries she personally sustained from the car accident.

The debtor filed amended schedules on July 30, 2019, thirty two days after the meeting of creditors was held on June 28, 2019. June 28, 2018 was a Saturday. The amendment was filed on July 30, 2019, a Monday. In addition, the Trustee filed his Chapter 7 Trustees Initial Report on July 2, 2018, 4 days after the Meeting of Creditors was held and concluded. If the Court used the entry of the Chapter 7 Trustees Initial Report of July 2, 2018, the debtor would have filed her amendment within the 30 day period or at least by August 2, 2018.

. Furthermore, at the time the schedules were disclosed, the actual value of the claim was still “unknown.” Therefore, the debtor could not indicate a true dollar value on her amended schedules.

WHEREFORE, Debtor respectfully requests that the Chapter 7 Trustee's Motion to Deny Debtor Exemption Claim in Personal Injury Settlement Proceeds.

DATED, this 27<sup>th</sup> day of September, 2019.

/s/ Jonathan Smith  
**Attorney for Debtor**  
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## Debtor's Response to Trustee's Motion to Deny Debtor Exemption Claim in Personal Injury Settlement Proceeds - 2

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Debtor's Response to Trustee's Motion to  
Deny Debtor Exemption Claim in Personal  
Injury Settlement Proceeds - 3

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